

Article - Environment

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§8–510.

(a) In addition to any other remedies available at law or in equity and after an opportunity for a hearing which may be waived in writing by the person accused of a violation, the Department may impose a penalty for violation of any provision of this title, or any regulation, order, plan for compliance, registration, certificate, or license adopted or issued under this title.

(b) (1) The penalty imposed on a person under this section shall be:

(i) Up to \$1,000 for each violation, but not exceeding \$50,000 total; and

(ii) Assessed with consideration given to:

1. The willfulness of the violation, to the extent to which the existence of the violation was known to the violator but uncorrected by the violator, and the extent to which the violator exercised reasonable care;

2. Any actual harm to human health or to the environment;

3. The nature and degree of injury to or interference with general welfare, health, and property;

4. The cost of control of the source of radiation or any emission of radiation;

5. The extent to which the location of the violation, including location near areas of human population, creates the potential for harm to the environment or to human health or safety;

6. The available technology and economic reasonableness of correcting, controlling, reducing, or eliminating the situation or condition that caused the violation;

7. The degree of hazard posed by the source of radiation or the emission of radiation; and

8. The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator.

(2) Each day a violation occurs is a separate violation under this section.

(3) Any penalty imposed under this section is payable to this State and collectible in any manner provided at law for the collection of debts.

(4) If any person who is liable to pay a penalty imposed under this section fails to pay it after demand, the amount, together with interest and any costs that may accrue, shall be:

(i) A lien in favor of this State on any property, real or personal of the person; and

(ii) Recorded in the office of the clerk of court for the county in which the property is located.

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